

In the name of God, the most Compassionate, the most Merciful

No.4 December 2019

Excellency,

I am writing with reference to the letter dated 21 November 2019 from the Permanent Representatives of France, Germany and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General (S/2019/911).

In the aforesaid letter, another attempt has been made for the arbitrary interpretation of paragraph 3 of annex B to Security Council resolution 2231 (2015) to prove supposed inconsistency regarding Iran's missile activities with that paragraph. This has been made through making reference to such unreliable sources as "social media", citing out-dated reports, referencing documents of bodies like the International Atomic Energy Agency which has no technical competence regarding missiles, making irrelevant and yet politically motivated reference to the missile capabilities of regional countries, repeated use of terms such as "if" "may" and "likely" which even reflect complete uncertainty, as well as invoking the criteria contained in the exclusive club of the Missile Technology Control Regime.

As we have repeatedly stated, including in our letters, the latest of which are contained in documents S/2019/49, S/2019/315 and S/2019/752, there is no implicit or explicit reference in paragraph 3 of annex B to Security Council resolution 2231 (2015) either to the Missile Technology Control Regime itself or to its definitions. Additionally, the definition and criteria contained in the Missile Technology Control Regime are not legally binding even for its 35 members, let alone being accepted universally. Accordingly, any attempt to portray them as the universally agreed definition is not only wrong but also any reference thereto is totally misleading and unacceptable.

Moreover, in interpreting the phrase "designed to be capable" in that paragraph, attempts have been made to disregard the negotiating history of paragraph 3 of annex B to resolution 2231 (2015) and the *raison d'être* of that phrase. The addition of the phrase "designed to be" to the wording "capable of delivering nuclear weapons" used in the already terminated Security Council resolution 1929 (2010) was a deliberate modification following lengthy negotiations in order to exclude Iran's defensive missile program that is "designed" to be exclusively capable of delivering conventional warheads. Given the fact that none of Iran's missiles are "designed to be capable of delivering nuclear weapons", paragraph 3 of annex B to resolution 2231 (2015) does not limit, in any way, the activities related to the conventional ballistic missiles of the Islamic Republic of Iran. Consequently, Iran's related activities are not inconsistent with that paragraph. Rather, they fall outside of the purview or competence of the Security Council resolution and its annexes (S/2015/550).

At the same time, "there is no universally accepted norm or instrument specifically governing the development, testing, production, acquisition, transfer, deployment or use of missiles", as stated in the report of the Secretary-General (A/57/229). This fact has also recently been acknowledged by the United Nations High Representative for Disarmament Affairs in her remarks on 22 August 2019 before the Security Council wherein she stated that, "There remains no universal norm, treaty or agreement regulating missiles" (S/PV.8602).

Likewise, when the previous missile launches by Iran were discussed, "There was no consensus in the Security Council on how this particular launch related to resolution 2231 (2015)" (S/2017/515).

Surprisingly enough, the authors of that letter have also claimed that "annex B to Council resolution 2231 (2015) barring the transfer of missile technology from Iran". This is a clear distortion of the text of that resolution. Contrary to their argument, according to resolution itself, "All States may participate in and permit" "the supply, sale or transfer" of such items "to or from Iran". Therefore, it is crystal clear that all States can conduct such activities in the first place. They merely need to inform the Security Council in advance, which shall decide "on a case-by-case basis to permit such activity". Nevertheless, to date, certain western members of the Security Council, for clear political reasons, have prevented the actual operationalization of the necessary mechanism for making required decisions to

permit such activities which is essential for the full and effective implementation of the very same resolution. Iran also refutes, once again, the charges that it has violated Security Council Resolution 2216 (2015).

Furthermore, an unsuccessful attempt has been made to link Iran's activities related to space launch vehicles to the implementation of paragraph 3 of annex B to resolution 2231(2015) while there is no implicit or explicit reference or language in that paragraph pertaining to the space launch vehicles, which are intrinsically designed to place satellites into orbit, not deliver warheads, and Iran's space launch vehicles are no exception.

Whereas Iran's space launch vehicles do not even fall into the category of ballistic missiles, let alone one "designed to be capable of delivering nuclear weapons", it is quite clear that their development and launch or any other related activities are not covered, in any way, by resolution 2231 (2015) and, accordingly, could not even be regarded as inconsistent with that resolution. It is also worth recalling that when the launch of a space launch vehicles by Iran in 2017 was discussed in the Security Council, "there was no consensus on how this particular launch related to resolution 2231 (2015)" (S/2017/1058).

At the same time, the international community must be extremely vigilant regarding the politically motivated approach by the United States and certain other industrialized countries, which, under such absurd pretexts as proliferation concerns, attempt to demonize benign technologies such as space technology that are critical for the socioeconomic development of all nations, particularly developing countries. This trend seriously runs the risk of endangering the exercise of the inherent right of States to free access to all areas of space and celestial bodies, their freedom in the exploration and use of outer space for peaceful purposes as well as their free access to outer space through space science, technologies and their applications without discrimination of any kind.

Since Iran's activities related to space launch vehicles and ballistic missiles fall outside of the purview or competence of resolution 2231 (2015) and its annexes, and given the mandate set forth in the note by the President of the Security Council on Security Council tasks under resolution 2231 (2015) (S/2016/44), the Secretary-General is therefore expected to avoid reporting on such irrelevant activities in his reports on the implementation of that resolution.

Finally, in light of the above, I would like to re-emphasize that Iran has not conducted any activity inconsistent with paragraph 3 of annex B to resolution 2231 (2015). Accordingly, while rejecting the claims made in that letter, I would like to stress once again that Iran is determined to resolutely continue its activities related to ballistic missiles and space launch vehicles, both of which are within its inherent rights under international law and are necessary for securing its security as well as socioeconomic interests.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

Please accept, Excellency, the assurances of my highest consideration.

Majid Takht Ravanchi
Ambassador and Permanent Representative

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